IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9247 OF 2004

Atmaram Uttam Bagul — Petitioner
vs.
1.Inspector General/SWS,
CISF,Ministry of Home Affairs,
R.C.F.L. Complex,Chembur & ors. — Respondents

Mr.A.R.:Pitale for the petitioner.

Mr.Suresh Kumar i/b.Mr.S.S.Sarkar for the respondent no.1.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 31st March 2005

P.C.

Heard Mr.A.R.Pitale, the learned counsel for the petitioner. We perused the available material.

2. The petitioner was proceeded with disciplinary proceedings on account of the following two charges:

CHARGE NO.I.

"That No.874501029 Constable A.R.Bagul of CISF Unit, MGCC/IPCL, Nagothane on 29.05.2001 was appointed on duty of night shift. However, the constable remained absent without any prior intimation or prior permission from duty. He was directed to remain present on 14.6.2001, however, the Constable has not obeyed the order and further he remained absent from duty till today. The above act of the member of CISF is serious infraction of duty and negligence towards duty".

CHARGE NO.II

"After perusal of the service record of No.874501029, Constable A.R.Bagul of CISF Unit,MGCC/IPCL,Nagothane it is found that the member Constable is habitual of committing indiscipline in his duty. The said member has been imposed 14 times with minor punishment during his service tenure, however, he failed in showing any improvement in his conduct".

3. The petitioner was given full opportunity in the enquiry. The enquiry was fair and proper. Both the charges were proved in the enquiry.

4. It is not in dispute that prior to the subject disciplinary proceedings, earlier on various occasions the petitioner was held guilty of misconduct like remaining absent, sleeping while on duty etc. He has been punished on number of occassions earlier. The details thereof are thus:

(1) Held guilty of misconduct for sleeping while on duty. Penalty of deducting 4 days pay vide order dated 1.12.1989.

(2) Held guilty of remaining absent from duty and punished by order dated 20/2-05-1993.

(3) For remaining absent for 21 days, the penalty of deduction of pay equivalent to three days pay vide order dated 23/24.7.1993.

(4) Held guilty for sleeping on duty on 7.2.94 and penalised by way of deduction of pay equivalent to one day.

(5) For remaining absent from duty, penalty vide order dated 26.4.1998.

(6) For breach of peace under the influence of alcohol, penalty vide order dated 26.6.1999.

(7) Found under the influence of liquor while on election duty. Penalty imposed vide order dated 24.12.1999.

(8) For remaining absent from duty, penalty imposed vide order dated 23.8.2000.

(9) For remaining absent from duty, penalty imposed vide order dated 7.5.2001.

(10) For remaining absent from duty, penalty imposed vide order dated 4.5.2001.

5. Both the charges having been proved against the petitioner and looking into the petitioner's consistently past bad conduct resulting in various penalties and punishment orders from time to time, the order of dismissal cannot be said to be disproportionate.

6. Writ petition has no merit and is dismissed in limine.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)